

# Exhibit 4



1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Valve  
 2 Corporation (“Plaintiff” or “Valve”) hereby responds to Defendants’ First Set of Interrogatories  
 3 (“Interrogatories”).

4

5 **PRELIMINARY STATEMENT**

6 1. Valve has made a reasonable investigation for information responsive to these  
 7 Interrogatories based upon Valve’s current knowledge, information, and belief. Valve’s  
 8 investigations are ongoing. Valve’s responses are made without prejudice to its right to revise,  
 9 correct, supplement, or clarify its responses at any time pursuant to Federal Rule of Civil  
 10 Procedure 26(e). Valve reserves the right to make any use of, or to introduce at any hearing or  
 11 trial, responsive information that was discovered after the date of these Interrogatory responses.

12 2. By providing responses, Valve does not concede the relevance of the subject matter  
 13 of any Interrogatory. Valve reserves all objections or other questions as to the competency,  
 14 relevance, materiality, privilege, or admissibility in any proceeding or trial for any purpose  
 15 whatsoever of its responses provided herein. Valve provides these written responses subject to the  
 16 General and Specific Objections stated below, and subject to Valve’s right to object at any  
 17 proceeding involving or relating to the subject matter of the Interrogatories responded to herein.  
 18 No objections, limitations, or responses, or lack thereof, shall: (a) be deemed an admission by  
 19 Valve as to the existence or non-existence of any documents; (b) be construed as an admission that  
 20 any definition provided by Defendants is either factually correct or legally binding upon Valve;  
 21 and (c) not be considered as a waiver of any of Valve’s objections, including, but not limited to,  
 22 objections regarding discoverability of documents or other evidence.

23 3. By providing responses, Valve does not waive any rights or limitations on  
 24 discovery as set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, Local  
 25 Patent Rules, the Court’s ESI Order (Dkt. 51), the Protective Order (Dkt. 52), and any other  
 26 applicable law, rule, or order, and all other existing or future agreements of the parties concerning  
 27 these proceedings.

28 VALVE’S RESPONSES AND OBJECTIONS TO  
 DEFENDANTS’ FIRST SET OF ROGS  
 CASE NO. 2:23-CV-1016

1 deficient and have not adequately allowed Valve to understand what specific functionality  
 2 Defendants accuse of infringement. Specifically, Defendants allege infringement of a software  
 3 platform, the Steam Cloud system. Pursuant to Rule 33(d), Valve concurrently with this Response  
 4 makes available the source code for the Steam Cloud system. Defendants are required to amend  
 5 their Infringement Contentions to identify pinpoint citations to source code they contend supports  
 6 their infringement theories. *See Corus Realty Holdings, Inc. v. Zillow Grp., Inc.*, No. C18-0847-  
 7 JLR, 2020 WL 488545, at \*5 (W.D. Wash. Jan. 30, 2020), aff'd, 860 F. App'x 728 (Fed. Cir.  
 8 2021) ("In cases involving software allegations, the party asserting infringement has an obligation  
 9 to 'promptly and appropriately' amend its contentions to identify pinpoint citations to source code  
 10 after it has had the opportunity to review the code.").

11       Once Defendants amend their Infringement Contentions as required, Valve reserves the  
 12 right to amend its Invalidity Contentions. Because Steam Cloud launched in 2008, Valve  
 13 specifically reserves the right to amend its Invalidity Contentions by identifying parts of the Steam  
 14 Cloud system source code that predate—and anticipate or render obvious—the claims of the '221  
 15 Patent, which Defendants allege has a priority date of August 29, 2011.

16       Valve also contends that the '221 Patent is not entitled to a priority date of August 29,  
 17 2011. The '221 Patent's priority claim to the August 29, 2011 filing date of U.S. Provisional  
 18 Patent 61/528543 is improper, because U.S. Provisional Patent 61/528543 does not "contain a  
 19 written description of the invention [claimed in the '221 Patent] and the manner and process of  
 20 making and using it, in such full, clear, concise, and exact terms..." *NuVasive, Inc. v. Alphatec  
 Holdings, Inc.*, 557 F. Supp. 3d 1069, 1073 (S.D. Cal. 2021) (quoting *Dynamic Drinkware, LLC v.  
 Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015)).

23       The information provided in response to this Interrogatory is based on Valve's current  
 24 knowledge, information, and belief. Valve is continuing its investigation and reserves the right to  
 25 amend, modify, or supplement its response to this Interrogatory.

26 **INTERROGATORY NO. 14:** Describe the full factual and legal basis for Your contention that  
 27 You are entitled to an award of damages, including treble damages and punitive damages.

28 VALVE'S RESPONSES AND OBJECTIONS TO  
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 CASE NO. 2:23-CV-1016

1           **RESPONSE TO INTERROGATORY NO. 14:**

2           Valve incorporates its Preliminary Statement and General Objections above as if fully set  
 3 forth herein. Valve also provides the following Specific Objections to this Interrogatory:

4           Valve objects to this Interrogatory to the extent it seeks information that is protected from  
 5 disclosure by the attorney-client privilege, common interest privilege, or work product doctrine.  
 6 Valve objects to this Interrogatory as premature because it seeks information that will be the  
 7 subject of expert discovery, that is related to opinion testimony, and that relates to Valve's  
 8 contentions or briefing not yet due based on the court's Scheduling Order (Dkt. 61). Valve objects  
 9 to the extent that this Interrogatory calls for a legal opinion. Valve objects to this Interrogatory as  
 10 seeking Valve's contentions before substantial discovery has taken place. *Benanav v. Healthy*  
 11 *Paws Pet Ins. LLC*, No. C20-00421-LK, 2022 WL 3577400, at \*5 (W.D. Wash. Aug. 19, 2022)  
 12 ("With respect to the other information requested in Interrogatory Number 3—another contention  
 13 interrogatory—Plaintiffs may defer a complete response until after substantial discovery is  
 14 complete."); *see also Heredia v. Sunrise Senior Living LLC*, No. 8:18-cv-01974, 2020 WL  
 15 12584277, at \*4-5 (C.D. Cal. July 20, 2020). Valve objects that this Interrogatory seeks  
 16 information that is in the possession, custody or control of Defendants and has not yet been  
 17 produced to Valve. In fact, as of the date of this Response, Display Technologies, Leigh  
 18 Rothschild, RBDS, and PAM have not produced a single document, despite the fact that Valve  
 19 served its first set of Document Requests on July 9, 2024.

20           Subject to, consistent with, and without waiver of its Preliminary Statement, General  
 21 Objections, and Specific Objections, Valve responds as follows:

22           Valve incorporates its Second Amended Complaint (Dkt. 38) and all exhibits attached  
 23 thereto.

24           The information provided in response to this Interrogatory is based on Valve's current  
 25 knowledge, information, and belief. Valve is continuing its investigation and reserves the right to  
 26 amend, modify, or supplement its response to this Interrogatory.

1 DATED: February 20, 2025

Respectfully submitted,

2 KILPATRICK TOWNSEND & STOCKTON LLP

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4 By: /s/ Dario A. Machleidt

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14 Attorneys for Plaintiff  
15 VALVE CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on February 20, 2025, I served the within via all email to all counsel who are registered participants identified on the Mailing Information for C.A. No. 2:23-cv-1016.

/s/ Christopher P. Damitio  
Christopher P. Damitio